

ORIGINAL

## In the United States Court of Federal Claims

FILED

OCT 13 2017

U.S. COURT OF  
FEDERAL CLAIMS

DANNY M. WELLS,

Plaintiff,

v.

UNITED STATES,

Defendant.<sup>1</sup>

No. 17-1498C

Filed: October 13, 2017

## ORDER

The court is in receipt of pro se plaintiff's complaint. Plaintiff submitted the complaint to the court without paying the \$400.00 filing fee or submitting an application to proceed in forma pauperis. As a result of this failure, the above-captioned case is **DISMISSED**, without prejudice.

IT IS SO ORDERED.

  
 MARIAN BLANK HORN  
 Judge

<sup>1</sup> The court notes that plaintiff names more than a hundred entities as defendants, including individuals, agencies, foreign governments, and corporations, but does not name the United States. Pursuant to Rule 10 of the Rules of the United States Court of Federal Claims, all claims in the United States Court of Federal Claims must have "the United States designated as the party defendant." RCFC 10(a) (2017); see also 28 U.S.C. § 1491(a)(1) (2012). The United States Supreme Court has indicated, for suits filed in the United States Court of Federal Claims and its predecessors, "if the relief sought is against others than the United States the suit as to them must be ignored as beyond the jurisdiction of the court." United States v. Sherwood, 312 U.S. 584, 588 (1941) (citation omitted); see also Kurt v. United States, 103 Fed. Cl. 384, 386 (2012). Stated differently, "the only proper defendant for any matter before this court is the United States, not its officers, nor any other individual." Stephenson v. United States, 58 Fed. Cl. 186, 190 (2003) (emphasis in original); see also United States v. Sherwood, 312 U.S. at 588; May v. United States, 80 Fed. Cl. 442, 444 ("Jurisdiction, then, is limited to suits against the United States."), aff'd, 293 F. App'x 775 (Fed. Cir. 2008).